

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTHONY EUGENE LEWIS,

CASE NO. C18-1798 RSM

Plaintiff,

ORDER ADOPTING REPORT AND RECOMMENDATION

KING COUNTY DEPARTMENT OF RISK
MANAGEMENT DIVISION, et al.,

Defendants.

This matter is before the Court on United State Magistrate Judge James P. Donohue's Report and Recommendation ("R&R") advising that this action should be dismissed. Dkt. #9. Plaintiff—held in the King County Jail and proceeding in forma pauperis—filed a Complaint that Magistrate Judge Donohue determined was deficient and was permitted to amend his Complaint. Dkt. #7. Plaintiff did file an Amended Complaint seeking to be excused from his state law duty to register as a sex offender, to force King County to process his claim for damages, and for relief from events of alleged sexual harassment, "astro sexual assault," and being forced to sleep on a metal bed and because jail staff are not adequately responding to his kites and grievances. Dkt. #8. Following a thorough and measured examination of Plaintiff's Amended Complaint, Magistrate Judge Donohue recommended that the Court dismiss Plaintiff's action

1 with prejudice and without leave to amend, and that the dismissal count as Plaintiff's third strike
2 under 28 U.S.C. § 1915(g). Dkt. #9.

3 Plaintiff did not file formal objections to the R&R.¹ Plaintiff did, however, file a Motion
4 to Amend Specific Relief Requested (Dkt. #10), a Motion for Ongoing Temporary Restraining
5 Order and Compel Defendant King County to Investigate Plaintiff's Claims (Dkt. #11), and a
6 Motion for Emergency Temporary Restraining Order and Injunctive Relief to Stop Defendant
7 King County from Retaliating re Legal Supplies/Services (Dkt. #12). None of these filings
8 address the deficiencies identified in the R&R or take issue with the legal analysis contained in
9 the R&R. Rather, Plaintiff's filings are confusing reiterations of the events leading Plaintiff to
10 believe he is entitled to relief. The R&R has already considered these claims and reached the
11 correct legal conclusion that the claims lack merit. Dkt. #9. Plaintiff's filings do nothing to
12 change the analysis of the R&R and Plaintiff does nothing to cast a shadow of doubt upon the
13 R&R.

14 Accordingly, having reviewed the R&R, Plaintiff's subsequent filings, and the remainder
15 of the record, the Court finds and ORDERS:

- 18 1. The Report and Recommendation (Dkt. #9) is ADOPTED.
- 19 2. Plaintiff's amended complaint and this action are DISMISSED with prejudice and
20 without leave to amend.
- 21 3. Plaintiff's Motion to Amend Specific Relief Requested (Dkt. #10), Motion for Ongoing
22 Temporary Restraining Order and Compel Defendant King County to Investigate
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25 ¹ The Court notes that there may be some question as to whether Plaintiff received a copy of the
26 R&R. A copy of the R&R was mailed to Plaintiff's last known address, in accordance with
Federal Rules of Civil Procedure 77(d) and 5(b), but the mailing was returned to the Court as
undelivered. Dkt. #13. It is Plaintiff's responsibility to keep the Court apprised of his current
mailing address. LCR 41(b).

1 Plaintiff's Claims (Dkt. #11), and Motion for Emergency Temporary Restraining Order
2 and Injunctive Relief to Stop Defendant King County from Retaliating re Legal
3 Supplies/Services (Dkt. #12) are all DENIED as moot.

4 4. This dismissal shall count as a STRIKE under 28 U.S.C. § 1915(g) (prisoner may not
5 proceed in forma pauperis if prisoner has, on three or more prior occasions while
6 incarcerated, brought an action or appeal that was dismissed as frivolous, malicious, or
7 for failure to state a claim, unless the prisoner is under imminent danger of serious
8 physical injury).

9 5. This case is CLOSED.

10 6. The Clerk shall send a copy of this Order to Plaintiff.

11 12 13 Dated this 22nd day of February 2019.

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16 RICARDO S. MARTINEZ
17 CHIEF UNITED STATES DISTRICT JUDGE
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